

FILED

Case 1:08-cv-04834

Document 10

Filed 09/02/2008

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SEPTEMBER 2, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

RECEIVED

AUG 25 2008 law
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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DERRICK HAYNES #20070077847)
THOMAS M. PERCONTI #20070035070)
CHARLES HILL #20050084808)
FRED ROGERS #20070020387)

Plaintiffs,)

-vs-)

THOMAS DART,)
SHERIFF OF COOK COUNTY JAIL.)
SALVADORE GODINEZ,)
EXECUTIVE DIRECTOR OF COOK COUNTY JAIL.)
M. FIGLIULO,)
SUPERINTENDENT OF DIVISION TEN(10).)
S. FLAXICO, STAR #114)
CHIEF OF SECURITY OF DIVISION TEN(10).)
JOHN MUELLER)
PROGRAMS SERVICES.)
CERMAK MENTAL HEALTH SERVICES)
OF COOK COUNTY.)

Defendants,)

INDIVIDUALLY AND IN THEIR)
OFFICIAL CAPACITIES.)

COMPLAINT

08CV4834

**JUDGE CONLON
MAG.JUDGE VALDEZ**

1. JURISDICTION AND VENUE

1. This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation under color of state law, of rights secured by the constitution of the united states. The Court has jurisdiction under U.S.C. section 1331 and ¹³⁴³1343(A)(3). Plaintiffs seek declaratory relief pursuant to 28 U.S.C. 2201 and 2202. Plaintiffs claims for injunctive relief are authorized by 28 U.S.C. 2283 and 2284, and rule 65 of the federal rules of civil procedural.
2. The united states District Court for the Northern District is an appropriate venue under 28 U.S.C. section 1391(b)(2) because it is where the events giving rise to claim occurred.

II. PLAINTIFFS

3. **PLAINTIFFS, DERRICK HAYNES, THOMAS M. PERCONTI, CHARLES HILL, FRED ROGERS,** is and was at the times mentioned herein a detainee of the state of Illinois, in custody of the Department of Corrections(C.C.D.O.C.). Plaintiffs is currently confined in the Cook County jail(C.C.D.O.C.), in Cook County, State of Illinois.
4. **PLAINTIFFS,** in this civil action respectfully ask that this Honorable Court treat this civil action as a **(CLASS ACTION)** under rule of the federal rules of civil procedure 23.

III. DEFENDANTS

5. **DEFENDANT, THOMAS DART,** is the **(SHERIFF)** of Cook County jail of the state of Illinois. He legally responsible for the overall operation of the Department and each institution under its jurisdiction including **(COOK COUNTY JAIL)**.
6. **DEFENDANT, SALVADORE GODINEZ,** is the **(EXECUTIVE DIRECTOR)** of the Cook County jail of the state of Illinois. He is legally responsible for the operation of **(CCOK COUNTY JAIL)**. Each and every Division and or Department under its jurisdiction.
7. **DEFENDANT, S. PLAXICO, STAR #114,** is the **(CHIEF OF SECURITY OF DIVISION TEN(10))** he is leagally responsible for the welfare and security of all pre-trial detainees housed in Division Ten(10).
8. **DEFENDANT, M. FIGLIULO,** is the **(SUPERINTENDENT OF DIVISION TEN(10))**. he is legally responsible for security and the welfare of all pre-trial detainees housed in Division Ten(10).
9. **DEFENDANT, JOHN MUELLER,** is a supervisor in programs services, it is his legal responsibility to process all detainees grievances and forward them to the next level if it cannot be rectified at his level.
10. **DEFENDANT, CERMAK MENTAL HEALTH SERVICES,** it is their legal responsibility to provide a system of ready access to all meant health specialist and Doctors. also, to provide programs and treatment and follow up services for the mentally-ill detainees being housed at the Cook County jail. **(C.C.D.O.C.)**.

FACTS

11. On May 20, 2008, forty-eight (48) mentally ill detainees who are confined at the Cook County Department of Corrections, in Cook County, Illinois, housed in division 8, Residential Treatment Unit (RTU), which was designed and structured to tend to the statutory serious medical mental needs of mentally ill detainees. Our living environment was a dorm style setting where all of "us" mentally ill detainees were under direct and constant, 24 hours per day observation by sufficiently trained Cook County Department of Corrections Sheriff Police and mental health specialists.
12. The Residential Treatment Unit (RTU) division 8 was also equipped with adequate therapeutic programs to address and tend to the needs of mentally ill detainees suffering from various mental illnesses. The programs that WERE available are: one-on-one counseling and daily community meetings conducted by Mr. Derrick Dunmore, Mental Health Services, Cognitive Behavior Therapy and Anger Management Groups conducted by Doctor Gackomnie employed by Cermak Mental Health Services, Alcoholics Anonymous meetings conducted by Mr. Peter Ellew, Mental Health Services, Meditation Therapy Groups Conducted by Ms. Colletti, a Mental Health Specialist employed by Cermak Mental Health Services, Art Therapy Sessions conducted by Ms. Wilson, Art Therapist employed by Cermak Mental Health Services. All of these treatments were community based in a structured environment.
13. It is further stated that on May 20, 2008 while confined in the Cook County Department of Corrections, in Cook County, Illinois in Division 8, Residential Treatment Unit (RTU) at approximately 6:30 PM these same forty-eight (48) detainees were informed by Doctor Jones, Employed by Cermak Mental Health Services, Officer Bojas, Division 8 employed by the Cook County Department of Corrections assigned to the 3 to 11 shift, acting under the supervision of sergeant Salami and lieutenant Anderson, both of whom are employed by Cook County Department of Corrections and also assigned to the 3 to 11 shift without notice to immediately gather all of our belongings and that we were being transferred to Division 10, maximum security for permanent housing.

14. Upon arrival in Division 10, some detainees were shoved into cells and locked in and informed by officers only known as "John Does" that assisted that night on Tier 3C in Division 10, who were employed by Cook County Department of corrections and that night said we (detainees) are no longer considered "Psych-Classified detainees" and the "Psych program we were accustomed to no longer exists". The abrupt ending to necessary treatment proved to be emotionally and psychologically damaging. As a direct result there had been many fights and disturbances than in the Residential Treatment Unit (RTU). There is now excessive violence and increased anxiety issues among "us" mentally ill detainees which can be substantiated through Cook County Department of Corrections incident and disciplinary reports.

15. Ever since "we" detainees were transferred from Division 8 (RTU) to Division 10, maximum security not only have the conditions gotten very harsh all of the programs geared towards preventing further deterioration of our mental health have been eliminated. There are absolutely NO therapeutic programs available whatsoever.

16. The defendants: Tom Dart, Sheriff, Cook County Jail, John Doe, Deputy Sheriff, Cook County Jail, Salvador Gordiney, Director, Cook County Jail has created a self-perpetuating situation in which detainees have their mental state deteriorated further due to lack of proper mental health care and guidance. The defendants acted with deliberate indifference by moving "us" detainees from Division 8 (RTU), a structured environment to Division 10, an unstructured and very harsh environment with absolutely NO therapeutic programs available.

17. The Defendants: Tom Dart, Sheriff of Cook County Jail, and Salvador Gordiney, executive Director of Cook County Jail has failed to properly administer mental health treatment in a consistent and continuous manner noting that there was no effective plan for transition from Division 8 (RTU) to Division 10. "Us" mentally ill detainees were moved with NO plan available whatsoever for continued mental health care. Because of this

failure on the defendants part the psychological state of detainees has been deteriorating rapidly day-by-day.

18. The defendants failed to staff the new psychological tiers in Division 10, a maximum security division with psych-trained officers. This lack of training has put every mentally ill pre-trial detainee housed there in danger of serious physical and mental harm because these officers do not understand the serious mental needs of the detainees being housed here. This has resulted in increased excessive force by these officers and severe mental distress amongst the mentally ill pre-trial detainees and they promote violence amongst the detainees letting them fight each other only to come and then beat them. When if properly trained they would defuse the situation. The defendants not having psych-trained officers available 24 hours per day to properly identify and supervise mentally ill pre-trial detainees being housed in Division 10 on all 3 shifts 24 hours per day. Which some mentally ill detainees are suicidal. This is an inadequate mental health program.

19. The plaintiffs in this civil action are experiencing increased stress levels, sleep deprivation, agitation, headaches, depression, nausea and overall increased tensions. Due to lack of mental health programs and extremely harsh living conditions.

20. The defendants: Tom Dart, Sheriff Cook County Jail, Salvadore Gordinez, Executive Director Cook County Jail, M. Figliuolo, Superintendent of Division 10 has placed "us" detainees into unsanitized, filthy, rodent and insect infested cells. The cell floors are extremely dusty and dirty. The walls in each cell are covered with black soot from years of previous detainees burning and unknown material to heat water and cook food totally uncontested by jail authorities. The toilets which are in very close proximity to our beds are unsanitized and discolored due to lack of cleaning supplies and lack of times when cell doors are open and "us" detainees are permitted to clean our respective cells. The entire tier of Division 10/2D is infested with mice and roaches that are allowed to roam freely. The mice and roaches have on numerous occasions climbed into Plaintiffs property boxes damaging commissary items. Mice and roaches spread germs and diseases that could easily be contracted by "us"

detainees. Cook County Department of Corrections has failed to control further infestation. It is further stated that "us" mentally ill detainees have been placed in an inadequate living environment that does not statutorily tend to the needs of mentally ill detainees.

21. Heavily medicated mentally ill detainees are forced out of their cells 12 hours a day, 7 days a week and left with no other alternative but to sleep on cold concrete floors, steel benches and steel tables. The overall conditions "us" detainees have been placed in are extremely harsh and very unsafe, placing all of "us" detainees at serious Risk of Harm.

22. Defendant J. Mueller, Clinical Services Supervisor has taken Plaintiffs grievances and CONVERTED them into requests in order to avoid issuance of a control number preventing Plaintiffs grievances from being properly processed according to the Cook County Department of Corrections grievance procedures.

23. The Defendants, Tom Dart, Sheriff Cook County Jail, Salvadore Godeniz, Executive Director, Cook County Jail, M. Figuarlo, Superintendent, Division 10, Cook County Jail, Plaxico, Chief, Division 10, Cook County Jail, on July 25 2008, have further split the psych-population between two divisions (division 2 and division 10) based on detainees security classifications (Minimum, Medium, Maximum) disregarding mentally ill detainees serious mental health needs. For the seventeen (17) plus years prior to July 25, 2008, security classifications never mattered, mentally-ill detainees co-existed amongst each other and were treated equally based on their needs for psychological treatment exclusively. Currently, the defendants are making medical decisions based on non-medical factors.

24. Upon information and belief on 6/4/2008, officer Cashen, 7 to 3 shift, Division 10, stated "he as been an employee here for 10 years and there has consistently been a problem with sanitation, clean linen and regular clothing exchange on schedule in Division 10". He also state "the linen they do have is in terrible shape the contracted laundry company never sends the correct amount of uniforms back nor is there ever enough disinfectant available to properly sanitize the living tiers." He also stated, "rodents and insects are a common part of everyday life here in Cook County Jail."

25. Upon information and belief on 7/1/2008 Superintendent Figuarlo stated that he "did not care about all the detainees sleeping on the floor this is fine with me as long as they are not dead".

26. Upon information and belief on 6/4/2008 Chief Plaxico came to the tier 2D and asked that we "stop filing grievances this is jail and it is what it is!".

EXHAUSTION OF LEGAL REMEDIES

27. Plaintiffs: Derrick Haynes; Thomas Perconti; Fred Rogers; Charles Hill used the detainee grievance procedure available at the Cook County Department of Corrections to try and solve multiple problems. The large majority of the Plaintiffs grievances were processed as requests therefore taking away Plaintiffs rights and/or any opportunity to appeal the decisions. The grievances that were given control numbers were appealed and denied by the administration. All grievances filed by Plaintiffs and responses given by the administration have been included as Exhibits in the back of this complaint. Plaintiffs in this civil action have exhausted all of our remedies available at the Cook County Department of Corrections to no avail.

CAUSE OF ACTION

28. The plaintiffs reallege and incorporate by reference paragraphs 11-26

29. The defendants: Thomas Dart and Salvadore Godinez exercised deliberate indifference in that they made many medical decisions based on non-medical factors when they moved plaintiffs and other mentally ill pretrial detainees from the Residential Treatment Unit (RTU), Division 8. (where plaintiffs were receiving treatment for various mental illnesses and were involved in many therapeutic groups as well as living in a dorm style setting with properly psych-trained officers and other appropriately trained staff available 24 hours a day, 7 days a week) to maximum security Division 10 which lacks said services. The RTU environment was very conducive and geared towards rehabilitation and safe housing of mentally ill

pretrial detainees. Plaintiffs are now housed in Division 10, maximum security behind cell doors with no therapeutic programs and very unsanitary conditions as well as no psych-trained officers available on all 3 shifts 24 hours a day to address the needs of mentally ill detainees. The defendants have made numerous medical decisions concerning mentally ill pretrial detainees housing and treatment despite having prior knowledge from medical professionals that Division 10 was unsafe and not therapeutic for mentally ill detainees. Plaintiffs have experienced increased anxieties, increased depression, suppressed appetites, headaches, nausea, sleep deprivation and increased violence amongst each other all because of defendants' deliberate indifference to the plaintiffs' rights under the 14th amendment of the U.S. Constitution as well as Article 1, Section 2 of the State of Illinois Constitution. Citing *Langley V. Coughlin*, 709 F. Supp. 482, 483 - 85 (S.D. N.Y. 1989 and *Harrington V. Devito*, 74 - C - 3290 (W.D. ILL. C.C.T. 19. 1978).

30. The defendants Tom Dart and Salvadore Godinez exercised deliberate indifference in further segregating pretrial detainees diagnosed as acute psych patients according to their security classifications (Maximum Medium, Minimum) moving minimum and medium security classified mentally ill pretrial detainees to Division 2, a dorm style setting, but continuing to house plaintiffs and other acute psych pretrial detainees classified as maximum security in Divisions 10, behind cell doors placing maximum security mentally ill pretrial detainees at serious risk of harm. For 17 years prior to segregating mentally ill pretrial detainees plaintiffs security classifications never mattered as the plaintiffs' serious medical needs came first and foremost. Regardless of security classifications plaintiffs and all other mentally ill pretrial detainees all coexisted together which is an essential component of an adequate psych care unit. This indicates that there is a prevailing custom, if not policy, or practice, of ignoring the serious psychological needs and constitutional rights of plaintiffs and others, which is contrary to the rights afforded the plaintiffs under the 14th Amendment of the U.S. Constitution and Article 1 Section 2 of the State of Illinois Constitution.

31. The defendants, M. Figiulo and C. Plaxico exercised deliberate

indifference in that they failed to staff tiers housing mentally ill detainees with psych trained officers who are qualified to address the needs and psychological issues of the mentally ill. Not having psych trained officers available 24 hours a day, on all 3 shifts, 7 days a week does not constitute a proper system that can identify, treat and supervise mentally ill detainees whom may be suicidal which is part of an adequate mental health program. Currently, all mentally ill pretrial detainees are at serious RISK OF HARM which violates the rights afforded the plaintiffs under the 14th Amendment of the U.S. Constitution and Article 1 Section 2 of the State of Illinois Constitution.

32. The defendants, M. Figiulo and C. Plaxico exercised deliberate indifference in that they are currently housing mentally ill pretrial detainees in an inadequate mental health facility forcing heavily medicated mentally ill pretrial detainees to sleep on cold concrete floors, steel tables and steel benches by locking plaintiffs and others OUT of their assigned cells 12 hours a day. This has attributed to the steady deterioration of the mental health of ALL mentally ill pretrial detainees.. This violates the plaintiffs' rights under the 14th Amendment of the U.S. Constitution and Article 1 Section 2 of the State of Illinois Constitution.

33. The defendants, M. Figiulo and C. Plaxico exercised deliberate indifference in that they are currently housing plaintiffs and others in filthy, unsanitized and rodent and insect infested cells and living units. Rats, mice and roaches are allowed to roam freely throughout the tiers. Rat and mice droppings are common on the floors where mentally ill pretrial detainees are forced to sleep after being medicated. Mentally ill pretrial detainees are not allowed to possess sanitation supplies and there is not a system available for detainees to sanitize their respective cells. The cell walls are covered with black soot and the floors are extremely dusty and dirty. The defendants have a legal responsibility to house pretrial detainees in an adequately sanitized environment free of rats, mice and roaches. Having failed to do so constitutes a violation under the 14th Amendment of the U.S.

Constitution and Article 1 Section 2 of the State of Illinois Consttution.
Citing: Sharpe V. City of Lewisburt, Tenn. 677 F. Supp. 1362, 1367 - 68
(M.D. tenn. 1988).

34. The defendant, John Mueller, a supervisor in the Program Services Department. It being his legal responsibility to process detainee grievances and forward them to the next level if the Grievance cannot be rectified at his level. His actions in that he took and treated several of plaintiffs' grievances pertaining to psychiatric care and treatment programs as a request therefore denying the plaintiffs' rights to appeal a decision or a response that did not solve their issues. The intentional mismanagement of detainees grievances constitutes a deliberate indifference to the plaintiffs rights under the 14th Amendment of the U.S. Constitution as well as Article 1 Section 2 of the State of Illinois Constitution a violation of plaintiffs due process and equal protection of the law.

35. The defendants, Cermak Mental Health Services exercised deliberate indifference in failing in their legal responsibilities to provide mentally ill pretrial detainees with adequate mental health care and adequate suicide prevention that complies with Constitutional standards. Currently, allowing their patients and plaintiffs to be housed in an inadequate mental health environment locked behind cell doors with no cameras or intercom systems therefore placing mentally ill pretrial detainees at a very serious risk of harm. A large majority of mentally ill pretrial detainees currently housed in Division 10 and under the care of Cermak Mental Health Services have an extensive history of prior suicide attempts. The current suicide policy implemented by Cermak Mental Health Services fails to ensure appropriate management of suicidal detainees and also lacks major components of an adequate suicide prevention program. there were two suicides committed at the Cook County Jail within 30 days of each other between 14 March 2008 and 14 april 2008. Mentally ill pretrial detainees routinely do not receive medications as prescribed or have lapses in medication administration. Cermak Mental Health Services does not administer routine lab work, weights, measurements or screenings to check medication levels in the blood of mentally ill pretrial detainees which constitutes

an inadequate mental health care program. Cermak Mental Health Services has also recently experienced major cuts in staffing resulting in an inadequate number of psych trained staff available to provide mental health care and therapeutic programs to plaintiffs and other mentally ill detainees thus failing in their legal responsibilities to provide mentally ill pretrial detainees with adequate mental health care required by law. This pattern clearly establishes a callous, wanton and deliberate indifference and also violates the plaintiffs' rights under the 14th Amendment of the U.S. Constitution as well as Article 1, Section 2 of the State of Illinois Constitution.

36. The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiffs have been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully prays that this Honorable Court helps to right the wrongs of the defendants, that the plaintiffs have become a victim of. The plaintiffs prays that this court enter a judgement granting the following:

A declaration that the acts and omissions described herein violated the plaintiffs rights under the Constitution and laws of the United States.

A preliminary and permanent injunction ordering the defendants, Thomas Dart, (Sheriff of Cook County Department of Corrections), Salvatore Godinez, (Executive Director of C.C.DOC). To stop making medical decisions based on none medical factors. Such as criminal classification of the plaintiffs and other mentally-ill pre trial detainees being housed at the Cook County Jail. And further more place the plaintiffs and all other mentally-ill pre trial detainees back into a dorm style housing unit that allows for the programing and group interaction with the mental health specialist and others that are hired to assist in their treatment as was the case while they were being housed in division eight R.T.U (Residential Treatment Unit). As opposed to division ten where they are presently housed which is a maximum security tier setting that puts the plaintiffs and other mentally-ill pretrial detainees in cells behind locked doors with no appropriate way to supervise, treat or identify if they are suicidal or not. This type of environment may encourage some mentally-ill pretrial detainees as well as the plaintiffs to commit suicide or bring upon them suicidal thoughts. which places them at risk of harming themselves or others. And by not having sheriffs deputies that are trained in dealing with or how to supervise and or identify if they are having a psychotropic crisis that would warrant a psychological evaluation to prevent a possible suicide attempt or harm to others. Places the lives of the plaintiffs at risk on all three shifts twenty four hours a day. That was pointed out by the Department of Justice seventeen month investigation of the jail during which time there were two suicides committed from March of 2008 to April of 2008. of mentally-ill pretrial detainees that were placed in a maximum security division behind locked cell doors and without adequate supervision as is the case here in division ten poor supervision among other things.


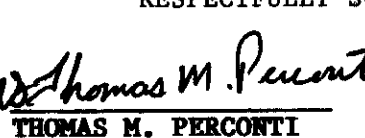
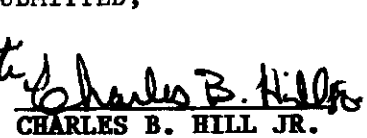

The plaintiffs ask for injunctive relief to stop the division ten staff from forcing the heavily medicated mentally-ill from being forced to sleep on the concrete floors where the rats, mice and roachs run freely on a daily basis in the dayrooms of various tiers throughout the division. The plaintiffs have suffered irreparable psychological damage at the hands of the defendants and it will continue unless this injunction is granted.

Hold Thomas Dart, Salvadore Godinez, M. Fgiulo, C. Plaxico J.Meuller and Cermak Mental Health Services jointly and severably liable for damages to plaintiffs as a result of their constitutional deprivations, inhumane incarceration and endured hardships according to the following:

- a). Compensatory damages in the amount of \$400,000.00 against each defendant, jointly and severally.
- b). Punitive damages in the amount of \$200,000.00 against each defendant.
- c). A trial by jury on all tryable issues.
- d). Plaintiffs cost in this law suit.
- e). Reasonable attorney's fees if applicable.
- f). Any additional relief that this court deems necessary.

DATED: 5 AUG. 2008

RESPECTFULLY SUBMITTED,

			
DERRICK HAYNES	THOMAS M. PERCONTI	CHARLES B. HILL JR.	FRED ROGERS
#20070077847	20070035070	20050084808	20070020387
P.O. Box089002	P.O. Box089002	P.O. Box089002	P.O. Box089002
CHGO, IL., 60608	CHGO, IL., 60608	CHGO, IL., 60608	CHGO, IL., 60608

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief and, as to those I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Cook County Department of Corrections in the city of Chicago, and the state of Illinois on 5 August 2008.


DERRICK HAYNES


THOMAS M. PERCONTI


CHARLES B. HILL JR.


FRED ROGERS

Previous Lawsuits By Plaintiffs

Plaintiff, Derrick Haynes #20070077847 has filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to my current imprisonment. Plaintiff did file a lawsuit against the Chicago Police Department in 1993 and the case settled in 1994.

Plaintiff Thomas M Perconti #20070035070 has filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to my current imprisonment. Plaintiff never did file any lawsuits against anyone.

Plaintiff, Fred Rogers #20070020387 has filed no other lawsuits dealing with the same facts involved with this action or otherwise relating to my current imprisonment. Plaintiff did file a lawsuit in 2000 against Exel Logistics a division of Hershey Chocolate and settled the case in 2001.

Plaintiff, Charles Hill #20050084808 has filed no other lawsuits dealing with the same facts involved with this action or otherwise relating to my current imprisonment. Plaintiff did file a lawsuit in 2008 against Cook County Department of Correction / Dentist. The civil claim is currently pending. Case number is 08c 1917 and the case is being heard by Judge Shadur.

Referred To:

Supt. Div. 10

☒ Processed as a request.

COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: Perconti First Name: ThomasID #: 2007-0035070 Div.: 10 Living Unit: 20 Date: 5/1/08BRIEF SUMMARY OF THE COMPLAINT: Detainee Thomas Perconti, now

brings this Grievance based on my legal rights under
the Eighth Amendment of the United States
Constitution and further states that my rights based
under the Eighth Amendment of the United States
Constitution are being violated as follows:

* Summary *

On May 20, 2008, while confined in the Residential
treatment Unit (RTU), located in division 8, here at
Cook County Department of Corrections, which was designed
and structured as an open dorm setting for mentally-ill

** PLEASE SEE ADDITIONAL PAGES

NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT:

THAT ARE INCLUDED. **

ACTION THAT YOU ARE REQUESTING:

To design and implement a program (SEE PAGE 6)

DETAINEE SIGNATURE:

Thomas M Perconti
#20070035070

C.R.W.'S SIGNATURE:

DATE C.R.W. RECEIVED:

6/10/08

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.
All appeals must be made in writing and directly submitted to the Superintendent.

detainees who suffer from various mental illnesses; the Residential Treatment Unit (RTU), that housed "us" mentally-ill detainees was equipped with adequate therapeutic programming that consisted of the following: daily group therapy sessions, therapeutic sessions, one on one counselling, anger management, alcoholic anonymous, and art therapy groups in a community based structured environment. RTU, Division 8, was sufficiently staffed with psych-trained personnel and Cook County Department of Corrections Officers that could properly identify mental-illnesses and other various psychosis with 24 hour observation which served the needs of the mentally-ill detainees as mandated by law.

It is further stated that ~~the~~ also on May 20, 2008; while being confined in division 8, RTU, Residential Treatment Unit, approximately 6:30pm; officer Bojas (Division 8-13 to 11 shift) along with Dr. Jones (Cermak Health Care) under the supervision of Lt. Anderson (Division 8-3 to 11) and Sgt. Salami (Division 8-3 to 11 shift) advised "us" (RTU-inmates) to immediately gather all our belongings and informed us

that we are being transferred to maximum security, division 10, for permanent housing. Upon arrival in Division 10, some detainees were shoved into their cells and immediately locked in. Then we were informed that "This is a maximum security division and we are no longer considered RTU detainees and that ~~and that~~ the psych-programs no longer exists."

FACTS

Being that we are now housed in maximum security facility, division 10, we are currently locked out of our cells from 7:30am to 2:00pm and not allowed to return to our cells. However, "us" mentally-ill detainees after being medicated with our prescribed psych medication become extremely drowsy and incoherent and are left with no other alternative, but to sleep on cold concrete floors, steel benches and steel tables. These detainees that are falling asleep all over the floors are being stepped on, tripped over by other detainees that are pacing the floors due to medication side-effects. Also, these detainees are laying in and around mice droppings from rodents that are

allowed to roam freely around the tier. Currently, there are no programs in place to aid or prevent further deterioration of our mental state. In fact, this maximum security setting is the total opposite from a structured setting mandated by law for mentally-ill detainees. There is not properly trained psych staff available 24 hours a day as mandated by law. There should be a proper system that can identify, treat and supervise detainees who are suicidal which is part of an adequate mental health program.

Now, there is a clear duty to protect detainees from self-destruction or self-injury 24 hours a day as mandated by law. Our needs as mental health detainees are not being met wholesomely. We are locked out of our cells from 7:30 am to 2:00 pm on 1st shift and then divided low side (cells 1-12) and high side (cells 13-24) during 2nd shift, which leaves one side of the tier unattended and unobserved by NO psych-trained officers. Failure to have psych-trained staff on duty 24 hours a day with constant direct observation would result in placing "us" detainees at risk of harm behind a

locked cell doors. Failure to take simple measures would seem to justify a finding that Cook County Jail was deliberately indifferent to the detainees serious medical needs.

Pre-trial mentally-ill detainees do not surrender their rights to equal protection of the law at the jail gate. Therefore, detainees that suffer from various mental-illnesses must be housed in a setting with adequate programs in place that would guide and aide mentally-ill detainees. The current policies and practices that are in place NOW does not comport with the initial mental health department procedural practices.

Continued Relief Requested
From Page 1

- ① To design and implement a program immediately to address the needs of us mentally-ill detainees as mandated by law.
- ② To put in place 24 hour observation of us mentally-ill detainees as mandated by law.
- ③ To assign and designate trained psych officers to address the needs of "us" mentally-ill detainees as mandated by law.
- ④ To allow medicated mentally-ill detainees access to our assigned cells, as needed, to prevent and discourage mentally-ill detainees from sleeping on cold concrete floors, steel benches and steel tables.

Continued page 1* Names of Staff With INFORMATION *

- ① Doctor Bras (Cermak Health Services)
- ② Doctor Jones (Cermak Health Services)
- ③ Doctor Dan Morjal (Cermak Health Services)
- ④ Derrick Dunmore (Mental Health Specialist - Cermak Health Services)
- ⑤ Ms. Jackson (Mental Health Specialist - Cermak Health Services)
- ⑥ Ms. Taylor (Mental Health Specialist - Cermak Health Services)
- ⑦ Mr. Jackson (Mental Health Specialist - Cermak Health Services)
- ⑧ Officer Bojas (Division 8-3-11 shift)
- ⑨ Sergeant Salemi (Division 8-3-11 shift)
- ⑩ Lt. Anderson (Division 8-3-11 shift)

CCDOC. DETAINEE GRIEVANCE FORM PROCESSED AS A REQUEST

Please Note :

- If the detainee is not satisfied with the response and/or attempt at resolving this issue, the detainee may resubmit the concern and it will be processed as a grievance.
- When processed as a request, an appeal of the response and/or action taken cannot be made.
 - When processed as a request, PART-B is not applicable.

Detainee's Last Name: Perconti First Name: Thomas

ID#: 2007-6035070 Div: 10 Tier/Living Unit: D2

Date of Request: 06/02/08 Date C.R.W. Received Request: 06/02/08

This request has been processed by: Mr. Morales C.R.W.

Summary of Request:

Detainee is requesting that all CCDOC staff be trained on psych issues / treatment.

Response and/or Action Taken:

BE ADVISED THAT DIV. 10 NOW A MEDICAL DIVISION. AS SUCH, D/Chief will provide whatever accommodations are approved by Medical (Cemik) and the DOC Policies.

Chief C. Planco #14 Chief C. Planco Date: 06/04/08 Div./Dept. 10
 (Print name of individual responding) (Signature of individual responding)

COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: Perconti First Name: ThomasID #: 2007-0035070 Div.: 10 Living Unit: 20 Date: 6/2/08BRIEF SUMMARY OF THE COMPLAINT: Detainee Thomas M. Perconti,

brings this Grievance based on my Eighth and
Fourteenth Amendment Rights that are being violated
as follows: While being confined here at Cook County
Jail, division 10, tier 20, we are being left no other
alternative, but to shower, urinate and defecate in
front of female staff, from Cermak Health Care, between
the hours of 8am to 2pm. This current practice is
a invasion of our privacy, invasion of our rights and
very disrespectful to the daily female staff that is
attempting to talk to, monitor and lead groups
that are an essential part of an adequate mental
health program as mandated by law. The female staff

NAME OF STAFF OR DETAINEE(S) PROVIDING INFORMATION REGARDING THIS COMPLAINT:

PLEASE SEE ADDITIONAL PAGES (Continued)

ACTION THAT YOU ARE REQUESTING:

For Action Requested please see Page # 2DETAINEE SIGNATURE: Thomas M. PercontiC.R.W.'S SIGNATURE: [Signature]DATE C.R.W. RECEIVED: 6/2/08

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.
All appeals must be made in writing and directly submitted to the Superintendent.

20F2

being affected are as follows: Ms. Jackson, Ms. Taylor, Doctor Jones and Doctor Bras. "Us", mentally-ill detainees have been placed in a inadequate mental health setting. Therefore, there has to be a immediate solution that does not infringe on our right to privacy and interfere with our therapeutic mental health programs which are currently being hindered because of the aforementioned.

* Relief Requested *

To allow our cell doors unlocked during the hours of 8am to 2pm, to accomodate the female staff on our tier. Not doing so would infringe on our therapeutic programs and meetings, as mandated by law.

* Witnesses To Be Called *

- ① Ms. Jackson - Mental Health Specialist
 - ② Ms. Taylor - Mental Health Specialist
 - ③ Doctor Jones - Cermak Mental Health Services
 - ④ Doctor Bras - Cermak Mental Health Services
- X Thomas M. Perconti

C.C.D.O.C. DETAINEE GRIEVANCE FORM PROCESSED AS A REQUEST

Please Note :

- If the detainee is not satisfied with the response and/or attempt at resolving this issue, the detainee may resubmit the concern and it will be processed as a grievance.
- When processed as a request, an appeal of the response and/or action taken cannot be made.
 - When processed as a request, PART-B is not applicable.

Detainee's Last Name: Perconti First Name: Thomas

ID#: 2007-065070 Div: 10 Tier/Living Unit: 02

Date of Request: 06/02/08 Date C.R.W. Received Request: 06/02/08

This request has been processed by: Mr. Morales C.R.W.

Summary of Request:

Detainee request assistance with living unit conditions

Response and/or Action Taken:

R/Chief will ensure that divisional linen changes and uniform changes occur as scheduled.

Also R/Chief has made random security checks on 2nd floor and has never observed the living conditions that you describe.

Chief C. Phair [Signature] Date 06/04/08 Div./Dept. 10
 (Print- name of individual responding) (Signature of individual responding)

COOK COUNTY DEPARTMENT OF CORRECTIONS

DETAINEE GRIEVANCE

Detainee Last Name: Perconti First Name: Thomas

ID #: 2007-0035070 Div.: 10 Living Unit: 2D Date: 6/2/08

BRIEF SUMMARY OF THE COMPLAINT: Detainee Thomas Perconti, now brings this Grievance based on my legal rights under the Eighth Amendment of the United States Constitution and further state that my rights based under the Eighth Amendment of the United States Constitution are being violated as follows: On May 20 2008, 4B mentally-ill detainees were moved from division 8, Residential Treatment Unit (RTU) to division 10, maximum security into filthy, unsanitized, unfit living conditions. All of the cells have desks that are burnt from detainees cooking in the same cells we are now assigned to. In order to cook ^{detainees} burnt an unknown material to heat the bottoms of the desks and that material ~~is~~ left black spot all over the walls, that we are now breathing.

*** SEE ADDITIONAL PAGES ***

NAME OF STAFF OR DETAINEE(S) PROVIDING INFORMATION REGARDING THIS COMPLAINT:

ACTION + WITNESSES

ACTION THAT YOU ARE REQUESTING:

(CONTINUED)

DETAINEE SIGNATURE: Thomas Perconti

C.R.W.'S SIGNATURE: [Signature]

DATE C.R.W. RECEIVED: 6/10/08

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form. All appeals must be made in writing and directly submitted to the Superintendent.

The cell floors are dirty, dusty and toilets unsanitized due to lack of cleaning supplies available to detainees. Which is a clear violation of Cook County Department of Correction Rules and Regulations effective 2006 dealing with health, safety and sanitation.

May 13, 2008, was the last time detainees on tier 2D had or sheets, pillow cases and towels exchanged for clean. Our sheets smell and some detainees towels are developing mildew due to filth. The Cook County Department of Corrections effective June 2006 states: Clean linen will be issued on a weekly basis. Today is the nineteenth day and counting and will still have the same dirty linen. Which is a clear violation of our rights as detainees.

The entire tier of division 10, 2D is infested with mice and roaches that are allowed to roam freely around the tier. The mice are able to jump and climb into our property boxes and damage and contaminate our commissary items. Mice spread germs and diseases that could easily be contracted by "us" detainees. It is further stated, "us" mentally-ill detainees have been placed in an inadequate living environment that does not statutorily tend to the needs of the mentally-ill.

(continued)

* Relief Requested *

① "Us" detainees be allowed to clean and sanitize our cells and have cleaning supplies made available to us on a regular basis. The walls of the cells be either painted or power washed.

② "Us" detainees want our rights to clean linen on a weekly basis to be exercised and executed as described by Cook County Department of Corrections Rules and Regulations effective June 2006.

③ Some kind of extermination plan be implemented to aid and prevent further infestation and most importantly protect the health and safety of detainees as mandated by law.

* Witnesses to be Called *

- ① Doctor Dan Morjal - Cermak Health Service
 - ② Ms. Jackson - Cermak Mental Health Specialist
 - ③ Mr. Derrick Dunnmore - Cermak Mental Health Specialist
 - ④ Ms. Taylor - Cermak Mental Health Specialist
 - ⑤ Mr. Jackson - Cermak Mental Health Specialist
 - ⑥ Doctor Jones - Cermak Health Services
- Included but not limited to:
all Division 10, 2D, Detainees

C.C.D.O.C. DETAINEE GRIEVANCE FORM PROCESSED AS A REQUEST

Please Note :

- If the detainee is not satisfied with the response and/or attempt at resolving this issue, the detainee may resubmit the concern and it will be processed as a grievance.
- When processed as a request, an appeal of the response and/or action taken cannot be made.
 - When processed as a request, PART-B is not applicable.

Detainee's Last Name: Perez First Name: Thomas

ID#: 2007-1035070 Div: 10 Tier/Living Unit: D-1

Date of Request: 11/10/08 Date C.R.W. Received Request: 11/10/08

This request has been processed by: Mr. Morales C.R.W.

Summary of Request:

Detainee requesting more privacy.

Response and/or Action Taken:

Be advised that notice is given on the Tier, ANYTIME female staff enter the Tier. Detainees ARE RESPONSIBLE for clothing themselves.

DURING times of incidents or emergencies notice may not be given. Staff will be instructed to announce entry of females if the event it did not occur during your instance.

Cell doors shall not be open.

Chief C. Plazac #111. C. Plazac Date: 11/10/08 Div./Dept. 10

(Print- name of individual responding)

(Signature of individual responding)

COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: Perenti First Name: Thomas M.
ID #: 2002-0035070 Div.: 10 Living Unit: 2D Date: 6/9/08

BRIEF SUMMARY OF THE COMPLAINT: We are resubmitting an already addressed

complaint that was filed on 10/1/07, responded to on 6/7/08 by Chief
Physica. We are not satisfied with the response and/or action
taken. We are asking for a control number and filing this
GRIEVANCE, based upon the deprivation of our mental
health needs as to timely treatment. Failure to make
treatment available; such systemic deficiencies includes
a failure to properly administer mental health treatment
in a consistent and continuous manner. On May 20, 2008,
Mentally-ill detainees were moved from Division 8 (RTU)
to Division 10, maximum security, placing "us" in an
inadequate facility and placing "us" at Risk of Serious
Health Issues.

NAME OF STAFF OR OTHER(S) PROVIDING INFORMATION REGARDING THIS COMPLAINT:

① Mr. Jackson: Mental Health Specialist

(SEE: ATTACHED
PAGES CONT.)

② Det. Dan Marjal - Cerma Health Services ③ Derrick Dunnmore:
Mental Health Spec.

DETAINEE SIGNATURE

Thomas M Perenti

C.R.W.'S SIGNATURE

[Signature]

DATE C.R.W. RECEIVED:

6/11/08

Please note: Detainees of the "Divisional Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.
All appeals must be made in writing and submitted to the Superintendent.

(continued from page 1)

Administration has created a self-perpetuating situation in which detainees with mental health issues have deteriorated further due to lack of statutory obligations to establish appropriate treatment programs for mentally-ill detainees. Therefore, Cook County Department Corrections is in violation of our Eighth and Fourteenth Amendment Rights of the United States Constitution.

* Relief Requested *

① To design and implement therapeutic programs immediately as mandated by law.

* Witnesses to be Called * (continued from pg #1)

Dever Haynes #20070077847 / Alex Sullivan #20070034149
Christopher M. Blanchet 2008 003 4163
Courtney Austin #20070004787 / Peter D. Gidestearna #2005-0024666
Fred Rogers #20070020387 Tyrone Holloman 20070034109
Michael Roberts #20060079805
Lance A. Wyatt #20070060012 MICHAEL RANDOLPH #20080019841
Michael Brown #20080019849
Kevin D. Rucker #2008-001-0702
John J. Falion 20080011643
Monty 7/1 14 #20080000001

C.C.D.O.C. DETAINEE GRIEVANCE / REFERRAL & RESPONSE

EMERGENCY GRIEVANCES ARE THOSE INVOLVING AN IMMEDIATE THREAT TO THE WELFARE OR SAFETY OF A DETAINEE

Detainee's Last Name: Percent First Name: Thomas ID#: 97-0055070Is This Grievance An Emergency? YES ☐ NO ☒C.D.W.'s Summary Of The Complaint: Detainee is in need of psychiatric servicesC.D.W. Referred Griev. To: C. K. Date Referred: 6/15/08Response Statement: Referred to Medical ServicesC. Smith (signature) Date: 6/16/08 Div./Dept. C145
(signature of individual responding to this griev.)E. K. (signature) Date: 6/16/08 Div./Dept.
(signature of Supt. / Designee / Dept. Admin.)M. M. (signature) Date: 6/17/08
(signature of Prog. Serv. Admin. / Asst. Admin.)Date Detainee Received Response: 6/18/08 Detainee Signature: Thomas Percent**REQUEST FOR AN APPEAL**

APPEALS MUST BE MADE WITHIN 14 DAYS OF THE DATE THE DETAINEE RECEIVED THE RESPONSE

Date Detainee Request For An Appeal: 06/18/08Detainee's Basis For An Appeal: Not happy with action taken. We still have no programs as of today 6/18/08 the administration is not allowing them.Appeal Board's Acceptance Of Detainee's Request: YES ☐ NO ☒

Appeal Board's Reasoning / Decision / Recommendation To The Superintendent Or Administrator:

According to Cernak Div. 10 is still being set up, proper housing is priority, Programs will start as soon as possible

Appeal Board's Signatures / Dates:

Date Detainee Rec.'d the Appl. Bd.'s Response: 08/05/08 Detainee Signature: Thomas M. Percent

GRIEVANCE CODE(S): () () () ()

COOK COUNTY DEPARTMENT OF CORRECTIONS

DETAINEE GRIEVANCE

Detainee Last Name: Rogers First Name: Fred
 ID #: 2007-0020387 Div.: 10 Living Unit: 2D Date: 5/31/08

BRIEF SUMMARY OF THE COMPLAINT: Now brings this grievance based on my legal Rights under the Eight Amendment of the United States Constitution and further state that my rights based under the Eight Amendment of the United States Constitution are being violated as follows:

On May 20, 2008, while confined in the Residential Treatment Unit (RTU) located in Division 8, Here at Cook County Dept of Correction, which was designed and structured as an open dorm setting for mentally ill detainees who suffers from various mental illnesses; The Residential Treatment unit (RTU) that housed us see additional
 NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT: _____ PAGES

ACTION THAT YOU ARE REQUESTING:

SEE ADDITIONAL PAGES (Cont.)

DETAINEE SIGNATURE:

Fred Rogers

C.R.W.'S SIGNATURE

[Signature]

DATE C.R.W. RECEIVED:

06/03/08

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form. All appeals must be made in writing and directly submitted to the Superintendent.

mentally-ill detainees was equipped with adequate therapeutic programming that consisted of the following: daily group therapy sessions, therapeutic sessions, one on one counselling, anger management, alcoholic Anonymous meetings & Art therapy groups, in a community based structure environment. B.T.U. Division 8 was sufficiently staffed with psyche-trained personnel and with Cook County Dept of Correction, officers that properly identify mental-illness and other various psychosis, with 24 hr observation, which served the needs of the mentally ill detainees as mandated by law.

It is further stated that also on May 20, 2008; while being confined in Division 8, RTU Residential Treatment unit) At approximately 6:30 p.m.; officer Borjas along with Dr. Jones under the supervision of Sgt Salami advised "us" (RTU detainees) to immediately gather all our belongings and informed us that we are being transferred to Maximum Security Division, which is Division 10 for permanent housing, upon arrival at Maximum Security Division 10 some detainees were shoved into their cells and immediately

DETAINEE
COPY

Revised 9/2007

locked in. Then we were informed that this is a maximum security division, and we are no longer considered R.T.U detainees and that the psyche programs no longer exist.

* Facts *

Being that we are now housed in Maximum Security Facility, Division 10; we are currently locked out of our cells from 7:30am to 2:00p.m and not allowed to return to our cells. However, us mentally-ill R.T.U detainees after being medicated with prescribed psychotropic medication, become extremely drowsy and incoherent and are left with no other alternative but to sleep on cold floors, steel benches or steel tables in which those detainees that are left with no other alternative but to sleep on cold concrete floors are being tripped over, stepped on by other mentally-ill detainees that suffer from side affects that causes us to pace the floors, where rodents (mice) roam to and from constantly within this mice infested building. Now, there are no programs in place to aide or prevent further deterioration of our mental state. In Fact, this Maximum Security Setting is the total opposite from a structured setting mandated by law

for mentally-ill detainees. There is not any proper psyche staff available 24 hours a day as mandated by law. Where there should be a proper system that can identify treat, and supervise detainees who are suicidal, which is part of an adequate mental Health program. Now, there is a clear duty to protect detainees from self-destruction or self injury 24 hours a day. Our need are not being met wholesomely, being that we are left out from 7:30Am. to 2:00pm on First Shift, and then divided low side (1-12) and High side (13-24) during second shift; which leaves one side in thier cells unattended and unobserved by non-psyche trained officers. Failure to have psyche-trained staff on duty 24 hours a day with constant direct observation would result in placing us inmates at risk of harm behind a locked cell door. Failure to take simple measures would seem to Justify a finding that the jail was deliberately indifferent to the detainees serious medical needs. Now, the mentall Health care system does not exist for us mentally-ill detainees failure to train officers and failure to

take basic steps to prevent suicide including monitoring detainees 24 hours a day on all three shifts.

Pretrial mentally-ill detainees do not surrender their rights to equal protection of the law, at the jail gate. Therefore, detainees that suffers from various mental illnesses and psychosis must be housed in a setting with adequate programs in place that would guide and aide mentally-ill detainees.

Now, the current policies and practices that are in place now does not comport with the initial mental health department procedural practice.

Witnesses to be Called

- ① Mr. Jackson-Chs
- ② Mrs. Caylor-Chs
- ③ Doctor Dan Moyal - Cermak H.S.
- ④ Doctor Jones - Cermak Health Service
- ⑤ Derrick Dunnmore - Cermak Health Service
- ⑥ Mrs Jackson - Cermak Health Service
- ⑦ Doctor Ms. Brar - Cermak Health Service

CC Doc Officers - Witnesses

- ⑧ Officer Gonzalez (3 to 11) (Div 8)
- ⑨ Sergeant Salemi (3 to 11) (Div 8)
- ⑩ L.T. Anderson (3 to 11) (Div 8)

Relief Requested

- ① To design and implement a program immediately to address the needs of us mentally-ill detainees as mandated by law.
- ② To put in place 24 hour observation of us, mentally-ill detainees as mandated by law.
- ③ To assign and designate trained psycho officers to address the needs of us mentally-ill detainees as mandated by law.
- ④ To allow medicated mentally-ill detainees access to their assigned cells as needed to prevent and discourage mentally-ill detainees from sleeping ~~on~~ cold concrete floors, steel benches and steel tables

Fred Rogers

#2007-0020-387

Fred Rogers

EXHIBIT E

PART - C

C.C.D.O.C. DETAINEE GRIEVANCE FORM PROCESSED AS A REQUEST

Please Note :

- If the detainee is not satisfied with the response and/or attempt at resolving this issue, the detainee may resubmit the concern and it will be processed as a grievance.
- When processed as a request, an appeal of the response and/or action taken cannot be made.
 - When processed as a request, PART-B is not applicable.

Detainee's Last Name: Hogers First Name: FredID#: 207-660587 Div: 10 Tier/Living Unit: 12Date of Request: 06/02/08 Date C.R.W. Received Request: 06/03/08This request has been processed by: Mr. Harkes C.R.W.

Summary of Request:

Detainee is requesting that all CCDOC staff be trained on psych issues/treatment.

Response and/or Action Taken:

Be Advised that Div. I is now a Medical Division. As such, Chief will provide whatever accommodations are approved by CERMAR (Medical) and the DOC policies.

Chief C. Plaxico #114 - Chas. Plaxico #114 Date: 06/04/08 Div./Dept. 10
(Print - name of individual responding) (Signature of individual responding)

EXHIBIT (F)

Part-A / Control #:

Referred To:

Request
Supt. Div. 10

COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: Rogers First Name: Fred
ID #: 2007-DD20387 Div.: 10 Living Unit: 2D Date: 6/2/08

STATEMENT OF THE COMPLAINT: Now brings this Grievance
based on my eighth and fourteenth amendment
rights that are being violated as follows:
While being confined here at the Cook County Jail,
Division 10, 2D, we are being left no other alterna-
tive, but to shower, urinate and defecate in
front of female staff that is [REDACTED] from
Cermak Mental Health Care, during the hours
of 8am to 2pm. This current practice is an
invasion of our privacy and very disrespectful
to the female staff that is attempting talk to
you monitor and lead groups that are an essential
part of an adequate mental health program.

FOR DETAINEE(S) HAVE INFORMATION REGARDING THIS COMPLAINT:

ACTION THAT YOU ARE REQUESTING:

SEE ADDITIONAL
Pages (Cont.)

DETAINEE SIGNATURE:

Fred Rogers

C.R.W.'S SIGNATURE:

[Signature]

DATE C.R.W. RECEIVED:

06/05/08

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.
All appeals must be made in writing and directly submitted to the Superintendent.

The female staff being affected are as follows: Doctor Jones, Doctor Brar, Ms. Taylor and Ms. Jackson. "US" mentally-ill detainees have been placed in an inadequate mental health setting. Therefore, there has to be an immediate solution that does not infringe on our right to privacy and interfere with our therapeutic mental health programs which are currently being hindered because of the above aforementioned.

* Relief Is Requested *

Not doing so would infringe on our meetings and other therapeutic programs as mandated by law

To allow our cell doors open during the hours of 8am to 2pm to accommodate the female staff. During those hours Cermak Mental Health staff are present.

Witnesses to be Called Fred Rogers

① Ms. Jackson - CHS

20070020387

② Ms. Taylor - CHS

Fred Rogers

③ Doctor Jones - CHS

④ Doctor Brar - CHS

REvised 9/2/07
**DETAINEE
COPY**

EXHIBIT F

PART - C

C.C.D.O.C. DETAINEE GRIEVANCE FORM PROCESSED AS A REQUEST

Please Note :

- If the detainee is not satisfied with the response and/or attempt at resolving this issue, the detainee may resubmit the concern and it will be processed as a grievance.
- When processed as a request, an appeal of the response and/or action taken cannot be made.
 - When processed as a request, PART-B is not applicable.

Detainee's Last Name:

Kings

First Name:

Fred

ID#:

0007-02587

Div:

10

Tier/Living Unit:

D-2

Date of Request:

11/02/08

Date C.R.W. Received Request:

06/03/08

This request has been processed by:

Mr. T. Torres

C.R.W.

Summary of Request:

Detainee is requesting privacy.

Response and/or Action Taken:

Be advised that notice is given on the Tier anytime female staff enter the Tier. Detainees are responsible for clothing themselves. Female staff may enter during an emergency without giving notice. Lastly, cell doors shall not be open.

Chief C. Plaxco #114

(Print- name of individual responding)

C. Plaxco #114

(Signature of individual responding)

Date: 06/10/08

Div./Dept. 10

1 OF 3 Cook County Department of Corrections
EXHIBIT G Detainee Grievance

Last Name: Rogers

First Name: Fred

ID# 20070020387 Div 10 tier 2-D Date 6/1/08

Detainee Fred Rogers #20070020387 Now brings forth this grievance based on my legal, under the eighth amendment of the United States Constitution and further states that my legal rights based under the eighth amendment of the United States Constitution are, being violated as follows.

*** SUMMARY ***

On May 20, 2008 42 mentally-ill detainees were moved from Division 8, Residential treatment unit (RTU) to division 10 maximum security into filthy, unsanitized, unfit living conditions. All of the cells have desks that are burnt from detainees cooking in their assigned cells. In order to cook the detainees burnt an unknown material to heat the bottoms of the desks and that material left black soot all over the walls, that we are now breathing. The cell floors are dusty, dirty, and toilets unsanitized due to lack of cleaning materials available to detainees. This is a

C.R.W. Signature: *[Signature]*

Date Received: 06/03/08

Revised 9/2007

DETAINEE
COPY

Processed as a Request

clear violation of Cook County Department of
Corrections Rules and Regulations (effective June 2006)
dealing with health, safety and sanitation.

May 13, 2008, was the last time detainees on
tier 2D had our sheets, pillow cases and towels
exchanged for clean. Our sheets are smelly and some
towels are developing mildew due to failure of
changing them. The Cook County Department of
Corrections Rules and Regulations for detainees,
effective June 2006 states: clean linen will be
issued on a weekly basis. Today is the eighteenth
day and counting and we still have the same
dirty linen. Which is a clear violation of our
rights as detainees.

The entire of Division 10, 2D is infested
with mice and roaches that are allowed to roam
freely around the tier. The mice are able to
jump and climb into our property boxes and
damage and contaminate our commissary items. Mice
germs and diseases, can easily be contracted by
"us" mentally ill detainees. Further stated "us"
mentally ill detainees have been placed in an
inadequate living environment that does not tend to

the needs of the mentally-ill

RELIEF REQUESTED

① "us" detainees be allowed to clean and sanitize our cells and have cleaning supplies made available to us on a regular basis. The walls of the cells be either ~~be~~ painted or powerwashed.

② "us" detainees want our rights to clean linen on a weekly basis to be exercised and executed as described by Cook County Department of corrections Rules and Regulations effective June 2006.

③ Some kind of extermination plan to be implemented to aid and prevent further infestation and most importantly protect the health and safety of detainees as mandated by law.

1 DR. Dan Morjai (Cermak Health services)

2 Ms. Jackson

3 Mr. Derrick Dunnmore

4 Ms. Taylor

5 Mr. Jackson

6 Dr. Jones (Cermak health services)

mental health specialist

DETAINEE SIGNATURE

Revised 9/2007

X Fred Rogers

EXHIBIT (G)

PART - C

C.C.D.O.C. DETAINEE GRIEVANCE FORM PROCESSED AS A REQUEST

Please Note :

- If the detainee is not satisfied with the response and/or attempt at resolving this issue, the detainee may resubmit the concern and it will be processed as a grievance.
- When processed as a request, an appeal of the response and/or action taken cannot be made.
 - When processed as a request, PART-B is not applicable.

Detainee's Last Name: K First Name: FredID#: 007-00087 Div: 10 Tier/Living Unit: D2Date of Request: 11/1/02 Date C.R.W. Received Request: 06/03/08This request has been processed by: Mr. M. P. S. C.R.W.

Summary of Request:

Detainee request assistance with living-unit conditions.

Response and/or Action Taken:

Chief will ensure that divisional linen changes and uniform changes occur as scheduled.Chief has made numerous security checks on 2nd floor tiers and has never observed the conditions that you describe.

Chief C. Plaxie #114 (Print- name of individual responding) C. Plaxie (Signature of individual responding) Date: 06/04/08 Div./Dept. 10

EXHIBIT H

August 5 2008

Black Soot retrieved from cell walls and cell
desks on tier 2D/Division 10.



IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

THOMAS M. PERCONTI, #20070035070)

PLAINTIFF,)

DECLARATION

-v-)

THOMAS M. PERCONTI

TOM DART,
SHERIFF OF THE COOK COUNTY JAIL.)

CIVIL ACTION NO.

et al.
DEFENDANTS)

On June 1, 2008, all detainees on tier 2D, division 10 did not receive any of our prescribed psych medication whatsoever. On numerous occasions detainees housed on tier 2D, division 10 asked the officer assigned to our tier where our medication was he stated the nurse left for

The night there is not a nurse here ~~any~~ we would not receive any medication stops asking! Not receiving our prescribed medication as prescribed could be dangerous and prove fatal.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED AT CHICAGO ILLINOIS ON June 1, 2008

18/ Thomas M. Perconti

THOMAS M. PERCONTI

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

THOMAS M. PERCONTI, #20070035070)

PLAINTIFF,)

DECLARATION

-v-)

THOMAS M. PERCONTI

TOM DART,)
SHERIFF OF THE COOK COUNTY JAIL.)

CIVIL ACTION NO.

et al.)
DEFENDANTS)

On June 4 2008, I, Plaintiff,
Thomas M. Perconti approached officer
Veley on the 7 to 3pm shift and
told her I needed a Detainee
Grievance she then stated get out
of my face I dont have any
Grievances nor will I get any.

I then approached her the following day June 5 2008 and asked officer Veley once again for a Detainee Grievance she once again stated "Get out of my face, we don't have any Grievances and I am not getting any." Plaintiff, Thomas Perconti was not able to obtain a Grievance until June 9 2008, five days after I asked for one. Grievance should be available 24 hours a day on all 3 shifts per Cook County Department of Corrections Rules + Regulations.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT CHICAGO ILLINOIS ON June 9, 2008

/s/ Thomas M. Perconti

THOMAS M. PERCONTI

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

THOMAS M. PERCONTI, #20070035070)

PLAINTIFF,)

-v-)

TOM DART,
SHERIFF OF THE COOK COUNTY JAIL.)

et al.)

DEFENDANTS)

DECLARATION

THOMAS M. PERCONTI

CIVIL ACTION NO.

On August 5 2008, plaintiff, Thomas Perconti, retrieved black soot from my cell in division 10, tier 2D, cell number 7 from the desk and walls to show the court the filthy conditions detainees are being forced to live under. I have included the soot as Exhibit H at the back of our complaint. Please note

Plaintiffs have made Chief Plapico
Star # 114 Division 10 aware of
our living conditions both verbally
and by way of Detainee Grievance
also included as Exhibit B
There has been no attempt to
improve our living conditions.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT CHICAGO ILLINOIS ON August 5, 2008

181 Thomas M. Perconti

THOMAS M. PERCONTI

ORIGINALAugust 10 2008IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

THOMAS M. PERCONTI, #20070035070)

PLAINTIFF,)

DECLARATION

-v-)

THOMAS M. PERCONTI

TOM DART,
SHERIFF OF THE COOK COUNTY JAIL.)

CIVIL ACTION NO.

et al.)

DEFENDANTS)

It has now been 4 weeks since mentally-ill detainees in Division 10/2D have had a clean uniform change and 5 weeks since mentally-ill detainees have had a clean ~~linen~~ linen change (sheets + towels) The Cook County Department of Corrections Rules and Regulations for Detainees states "detainees should receive clean uniforms and clean linens on a

weekly basis. Mentally ill detainees
are being neglected and subjected
to cruel and unusual punishment.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT CHICAGO ILLINOIS ON August 10, 2008

18/ Thomas M Perconti

THOMAS M. PERCONTI

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

DERRICK HAYNES, #20070077847

PLAINTIFF,

-v-

TOM DART,
SHERIFF OF THE COOK COUNTY JAIL.

et al.

DEFENDANTS

DECLARATION

DERRICK HAYNES

CIVIL ACTION NO.

My name is Derrick Haynes
C.C.D. OC. # 20070077847. I'm
making this declaration regarding
us mentally-ill detainees
here in Div-10 on the
psych tier 2 D met
having psych trained

officers that could treat
and identify with us mentally
ill detainees. on 6-3-08 no
psych trained officers all
day.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT CHICAGO ILLINOIS ON 6-3-08, 2008

/s/

Derrick Haynes

DERRICK HAYNES

Original
IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

DERRICK HAYNES, #20070077847)

PLAINTIFF,)

DECLARATION

-v-)

DERRICK HAYNES

TOM DART,
SHERIFF OF THE COOK COUNTY JAIL.)

CIVIL ACTION NO.

et al.
DEFENDANTS)

My name is Derrick Haynes
C.C.D.O.C. # 20070077847. I'm
making this ~~de~~ declaration Regarding
not having linen change on
a week by week basis.
officers Cashen stated he
has been here for 10 years

and there has consistently
been a problem with clothing
changing. On 6-4-08 in Div
10.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT CHICAGO ILLINOIS ON 6-4-08, 2008

/s/ Derrick Haynes
DERRICK HAYNES

original

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

DERRICK HAYNES, #20070077847

PLAINTIFF,

-v-

TOM DART,
SHERIFF OF THE COOK COUNTY JAIL.

et al.

DEFENDANTS

DECLARATION

DERRICK HAYNES

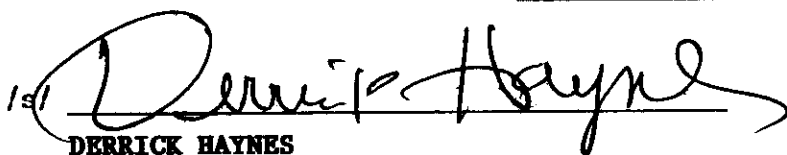
CIVIL ACTION NO.

My name is Derrick Haynes
C.C.D.O.C. # 20070077847. I'm
Making this declaration Regarding
Chief Plaxico. On 6-5-08 at
8:00 PM. On 2-D Div-10. Chief
Plaxico Came on 2-D and
addressed the grievances I
was filing.

he, Chief Plascido stated
to me and others to stop
flooding crew Marles and
him with grievances.
this was done in a very
threatening manner.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT CHICAGO ILLINOIS ON 6-5-08, 2008


DERRICK HAYNES

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

DERRICK HAYNES, #20070077847

PLAINTIFF,

-v-

TOM DART,
SHERIFF OF THE COOK COUNTY JAIL.

et al.

DEFENDANTS

DECLARATION

DERRICK HAYNES

CIVIL ACTION NO.

My Name is Derrick Haynes
C. C. D. O. C. # 20070077847, I'm
also A Plaintiff in this action.
I'm Making this declaration
Concerning the Ongoing Violence
here in Div-10. Ever Since
being transferred from Div-8
to Div-10 on May 20.08.

there has been an extreme amount of violence amongst detainees here on the psych tiers. for lack of programs and harsh living conditions.

I've witness a fight between detainees: Micheal Brown and Sean Jones. Gus Wright and Gardner. all during the month of July.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT CHICAGO ILLINOIS ON 8-3-08, 2008

/s/ Derrick Haynes
DERRICK HAYNES

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

Fred ROGERS, #2007-00-20387)
PLAINTIFF,

-V-

Tom DART
SHERIFF OF THE COOK COUNTY JAIL
et al.

Defendants

) DECLARATION
) FRED ROGERS
) CIVIL ACTION NO.
)
)
)

ON JUNE 1, 2008 ALL OF US DETAINEES ON
TIER 2-D DID NOT RECEIVE ARE P.M. MEDS
THE OFFICERS KEPT TELLING US TO HOLD
ON THAT ARE MEDS WHERE COMING,
AND DURING THIS WHILE WAITING I
COULD NOT TAKE IT ANY MORE, THE
WALLS STARTED CLOSING IN AND
I HAD TO YELL OUT FOR THE
OFFICER AND HE CAME BACK
AND LET ME OUT OF THE CELL
THEN SAID HE WAS TAKING

ME TO CERMAK HOSPITAL, INSTEAD
THEY TOOK ME DOWN STAIRS TO TALK
TO THE SERGEANT AND LIEUTENANT
AND THEY SAID ONE NIGHT WITHOUT
MEDS WOULDN'T HURT YOU AND THEN
THEY PUT ME IN THE BULLPEN FOR
A HOUR THEN TOOK ME BACK UP
STAIRS WITH NO MEDS STILL.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE
FOREGOING IS TRUE AND CORRECT. EXECUTED AT CHICAGO
ILLINOIS ON June 2, 2008

1s/ Fred Rogers
FRED ROGERS

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

FRED ROGERS, #2007-00-20387

PLAINTIFF

-V-

TOM DART
SHERIFF OF THE COOK COUNTY Jail

et al.

DEFENDANTS

DECLARATION

FRED ROGERS

CIVIL ACTION NO.

ON JUNE 8, 2008 CHIEF PLAXICO
CAME ON TO THE TIER OF 2-D
DIVISION 10 AND WE DETAIN-
EES ASKED WHAT THEY WERE
GOING TO DO ABOUT THE
MICE RUNNING AROUND AND
GOING INTO YOUR COMMISS-
ARY AND HE SAID TO US DET-

AINES THAT THEY LIVE HERE
WE ARE JUST VISITORS THAT AS
LONG AS THE TUNNELS WERE
HERE WE WERE GOING TO
HAVE MICE.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT.
EXECUTED AT CHICAGO ILLINOIS ON JUNE 9, 2008

151 Fred Rogers

FRED ROGERS #2007-00-20387

ORIGINAL
IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT

FRED ROGERS, #2007-00-20387

PLAINTIFF

-V-

TOM DART,
SHERIFF OF THE COOK COUNTY JAIL.

et al.

DEFENDANTS

DECLARATION

FRED ROGERS

CIVIL ACTION NO.

ON JUNE 11 2008, WHEN LIEUTENANT
TUCKER CAME TO THE TIER
THE DETAINEES ASKED HIM
ABOUT LINEN AND CLOTHING
EXCHANGE AND HE SAID
HE HAD TO WORK ON THAT
STILL BECAUSE AS IT IS
THEY DON'T HAVE ENOUGH

CLOTHES OR LINEN TO GO
AROUND TO EVERYBODY.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT.
EXECUTED AT CHICAGO ILLINOIS ON JUNE 12 2008

151 Fred Rogers

FRED ROGERS # 2007-00-20387

CERTIFICATE OF SERVICE

I, DERRICK HAYNES, SWEAR UNDER PENALTY OF PERJURY THAT I HAVE MAILED ONE ORIGINAL AND (7) SEVEN COPIES OF 1983 COMPLAINT ON THE CLERK'S OFFICE U.S. DISTRICT COURT BY PLACING SAID DOCUMENTS IN THE MAIL AT THE COOK COUNTY JAIL C.C.D.O.C. ON AUGUST 23, 2008

/s/ Derrick Haynes
DERRICK HAYNES
#20070077847